

## **REMARKS**

Applicant cancels claims 15-18 and submits claim 25. Claims 1-14 and 19-25 are now pending in the application. Applicant amends claim 9 to remove a duplicate claim recitation and submits claim 25 incorporating features that correspond to those in the duplicate recitation. Applicant amends claims 1, 10-12, 21, and 23 for minor corrections and further clarification, and refers to page 5, line 18 et seq. of the specification for an exemplary embodiment of and support for the claimed invention.

The Examiner objected to claims 9-24 for misnumbering. Applicant amends claim 9 to delete a duplicate recitation thereof, and submits claim 25 incorporating features that correspond to those in the duplicate recitation. The Examiner also objected to claims 1 and 21 for apparent informalities, which Applicant corrects by amendment to claims 1, 10-12, 21, and 23. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection.

Claims 1-2, 5-12, 15-23, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,292,786 to Deaton et al. (I); and claims 3-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Deaton et al. (I) in view of U.S. Patent No. 6,611,811 to Deaton et al. (II); and claims 13-14 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Deaton et al. (I) in view of U.S. Patent Application Publication No. 2003/0656786 to Bibelnieks et al. Applicant amends claim 1 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverses the rejections.

Applicant respectfully submits that Deaton et al. (I), as cited and relied upon by the Examiner, only include description of internet-based data communications with a customer, and, as such, fail to disclose the claimed feature of presenting a promotional offer to a

customer while the customer is present in at a POS outlet by dispatching a human host to interact with the customer.

In other words, Deaton et al. (I), as cited and relied upon by the Examiner, fail to disclose,

“[a] method for making a promotional offer by a seller to a customer in at a point-of-sale (POS) outlet, the method comprising the steps of:  
recognizing the customer as being present in the POS outlet;  
determining an identity of the recognized customer;  
selecting the promotional offer from an offer inventory, the offer inventory including at least one of a product offer and a service offer of the seller; and  
presenting the promotional offer to the customer while the customer is present in at the POS outlet by dispatching a human host to interact with the customer; wherein the promotional offer is selected based on at least one characteristic associated with the customer identity,” as recited in claim 1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 2, 5-12, 19-23, and 25 dependent therefrom, is patentable over Deaton et al. (I) for at least the foregoing reasons. The Examiner cited and relied upon Deaton et al. (II) and Bibelnieks et al. as combining references to specifically address the additional features recited in dependent claims 3-4, 13-14, and 24, respectively. Thus, combining these references would still have failed to cure the above-described deficiencies of Deaton et al. (I), even assuming, arguendo, that such combinations would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicant respectfully submits that claims 3-4, 13-14, and 24 are patentable over the cited references for at least the foregoing reasons. Incidentally, the U.S. Patent Application Publication No. 2003/0656786 provided by the Examiner in the Notice of References Cited does not correspond to any published patent application to Bibelnieks et al. Applicant, thus, respectfully requests that the Examiner clarify the citation of the reference.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/Dexter T. Chang/

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